

that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that Order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have analyzed this rule under Commandant Instruction M16475.ID, which guides the Coast Guard in

complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation.

Under figure 2–1, paragraph (34)(g), of the Instruction, an "Environmental Analysis Check List" and a "Categorical Exclusion Determination" are not required for this rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.

■ 2. Add a new § 165.T11–035 to read as follows:

§ 165.T11–035 Safety Zone: Oceanside, CA.

(a) *Location.* The area described as follows is a safety zone: an area encompassed by the following points beginning at the point latitude 33°09'87" N, longitude 117°22'81" W, thence northeasterly to latitude 32°10'14" N, longitude 117°22'33" W, thence northwesterly to latitude 33°11'49" N, longitude 117°23'36" W, thence northerly to latitude 32°11'64" N, longitude 117°23'36" W, thence southeast to the point of beginning.

(b) *Effective dates.* This safety zone will be effective at 11:30 a.m. (PDT) May 4, 2003 through 3:30 p.m. (PDT) May 4, 2003. If the event concludes prior to the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone by all vessels is prohibited, unless authorized by the Captain of the Port, or his designated representative. Mariners requesting permission to transit through the safety zone may request

authorization to do so from the Patrol Commander, who may be contacted via VHF–FM Channel 16.

Dated: April 23, 2003.

Stephen P. Metruck,

Commander, U.S. Coast Guard, Captain of the Port, San Diego.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA–60–1–7562; FRL–7492–9]

Approval and Promulgation of Implementation Plans; Louisiana; Rescission of the Section 182(f) and 182(b)(1) Exemptions to the Nitrogen Oxides Control Requirements for the Baton Rouge Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: We are approving revisions to the Louisiana State Implementation Plan (SIP). In particular, we are finalizing our proposal to rescind the section 182(f) and 182(b)(1) nitrogen oxides (NO_x) exemptions for the Baton Rouge (BR) ozone nonattainment area, which proposal was published on May 7, 2002 (67 FR 30638). We are rescinding the NO_x exemptions based on revised photochemical grid modeling recently conducted for the BR area SIP which indicates that control of NO_x emissions will help the area attain the National Ambient Air Quality Standard (NAAQS) for ozone. The State of Louisiana requested that EPA rescind the NO_x exemption based on this new modeling. Upon rescission of the NO_x exemptions, the State will need to implement NO_x controls to meet the Clean Air Act's (the Act) requirements for Reasonably Available Control Technology (RACT), Nonattainment New Source Review (NNSR), vehicle Inspection/Maintenance (I/M), and general and transportation conformity.

The EPA is finalizing the proposal to rescind the NO_x exemptions for the BR ozone nonattainment area as meeting the requirements of the Act.

DATES: This rule will be effective on June 4, 2003.

ADDRESSES: Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations: